



Commission on Peace Officer Standards and Training

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: February 17, 2009

Bulletin: No. 2009-02

Subject: Notice of Proposed Regulatory Action – SWAT Operations Training Course Requirements; Regulation 1081

At its January 22, 2009, meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B – Regulation 1081. As required by Penal Code Section 13514.1, on July 1, 2005, POST provided the *SWAT Operational Guidelines and Standardized Training Recommendations* for Basic, Update, and Supervision and Management of SWAT Operations training courses for law enforcement agencies and course presenters. The SWAT training course curricula topics and training hours are now being proposed to be added to the PAM.

The attached notice describes the proposed changes and includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp.

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Please direct inquiries about this proposed regulatory action to Patti Kaida, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-5271. Bryon Gustafson is the contact for inquiries on the substance of the proposed revisions. Mr. Gustafson is available by email at Bryon.Gustafson@post.ca.gov or by telephone at (916) 227-3902.

PAUL A. CAPPITELLI
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
SWAT Operations Training Course Requirements
Regulation 1081

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Section B of Regulation 1081 of the POST Administrative Manual (PAM) as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by April 6, 2009

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to clarify training and certification requirements related to the SWAT Basic, Update, and Supervision and Management of SWAT Operations training courses for law enforcement agencies and course presenters pursuant to Penal Code Section 13514.1.

Informative Digest/Policy Statement Overview

Penal Code Section 13514.1 required POST to develop and disseminate guidelines and standardized training recommendations for law enforcement officers, supervisors, and administrators, who are assigned to perform, supervise, or manage Special Weapons and Tactics (SWAT) Teams, and make them available for use by law enforcement by July 1, 2005. The standardized training recommendations were required to include initial training requirements for SWAT operations, refresher or advanced training for experienced SWAT members, and supervision and management of SWAT operations. POST complied with this legislation and created *SWAT Operational Guidelines and Standardized Training Recommendations*.

These guidelines were reviewed by the Commission's Long Range Planning Committee on March 8, 2005, who recommended Commission approval. The Commission subsequently approved these guidelines at its April 21, 2005, meeting.

The approved guidelines were made available in July 2005, for use by law enforcement agencies conducting SWAT operations but the resulting training courses and corresponding topics were not included in PAM "Section B – Regulation 1081." As a result, it is now necessary to modify Regulation 1081 by adding the curriculum requirements for SWAT training pursuant to Penal Code Section 13514.1.

The inclusion of this legislative training mandate information into Regulation 1081 will clarify training and certification requirements related to the SWAT Basic, Update, and Supervision and Management of SWAT Operations training courses for law enforcement agencies and course presenters.

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

Assessment

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct inquiries or comments pertaining to the proposed action to Patti Kaida, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-5271. Bryon Gustafson is the contact for inquiries on the substance of the proposed revisions. Mr. Gustafson is available by email at Bryon.Gustafson@post.ca.gov, or by telephone at (916) 227-3902.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons, once it has been approved, submit a written request to the contact person(s) named above.